

### REMARKS

Applicant has carefully reviewed the Application in light of the Office Action dated December 15, 2004. Claims 1-56 are pending and stand rejected. Applicant has amended Claims 1, 14, 17, 33, and 47. Applicant submits that no new matter has been added by these amendments. For the reasons provided below, Applicant submits that the pending claims are allowable over the cited references. Therefore, Applicant respectfully requests reconsideration and favorable action in this case.

#### Section 103 Rejections

The Office Action rejects Claims 1-56 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,643,623 ("*Kolls*") in view of U.S. Patent No. 6,714,559 ("*Meier*"). Applicant respectfully traverses these rejections and the assertions and holdings therein.

To begin with, the proposed combination fails to teach or suggest each and every limitation. For example, amended Independent Claim 1 recites, "an in-store controller communication module at the retail refueling facility, connected to the in-store controller, comprising at least one of a wireless transmitter and a wireless receiver and operable to receive and wirelessly transmit the at least one message to at least one client module." Prior to the amendment, the Office Action offered POS 614, server 632, and PC 630B for the teaching of the in-store controller, in-store controller communication module, and at least one client module, respectively. Applicant submits that *Kolls* fails to teach or suggest that server 632 receives any information from POS 614 and then wirelessly transmits the information to PC 630B. At most, *Kolls* discloses that PC 630B receives signals directly from concentrator 608, not server 632. Fig. 5B; Col. 15; Lines 50-61.

In addition, amended Independent Claim 1 recites that the at least one client module is "operable to interface the in-store controller with at least one service device." As mentioned above, prior to the current amendment, the Office Action offered POS 614, PC 630B, and kiosk 628 for the teaching of the in-store controller, the at least one client module, and the at least one

service device. Though, Applicant submits that *Kolls* fails to teach or suggest that PC 630B is operable to interface POS 614 with kiosk 628. In fact, PC 630B as disclosed in *Kolls* is merely a personal computer whose access and use may be limited. Col. 5, Lines 53-67. Accordingly, Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Independent Claims 14, 17, 33, and 47 recite limitations that are similar, although not identical, to the limitation of Claim 1 discussed above. Therefore, these claims are allowable for reasons analogous to those discussed above in connection with Claim 1. Claims 15-16, 18-32, 34-46, and 48-56 each depend from one of independent Claim 14, 17, 33, and 47 and are thus also patentable over the cited art.

The Office Action rejects Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46, and 49-56 under 35 U.S.C. § 103(a) as being unpatentable over *Kolls* in view of *Meier* and further in view of U.S. Patent No. 6,574,603 ("*Dickson*"). Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46, and 49-56 are allowable at least because each depends from one of independent Claims 1, 14, 17, 33, and 47 which have been shown above to be allowable. Furthermore, the Office Action fails to cite a teaching or suggestion in *Dickson* of the missing limitations. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46, and 49-56.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all Claims.

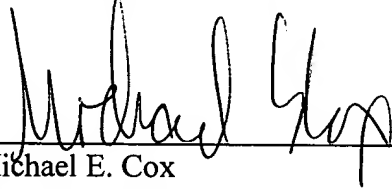
If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

No fees are believed to be due. However, please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Date: \_\_\_\_\_

2/11/05

Respectfully submitted,



Michael E. Cox  
Reg. No. 47,505

Fish & Richardson P.C.  
5000 Bank One Center  
1717 Main Street  
Dallas, Texas 75201  
Telephone: (214) 760-6107  
Facsimile: (214) 747-2091